



STATE OF WASHINGTON

STATE BUILDING CODE COUNCIL

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MINUTES LEGISLATIVE COMMITTEE CONFERENCE CALL

Date: February 17, 2005

Monitor Site: Raad 3rd Floor Conference Room, Olympia

Committee Members Present: Dave Baker, Vice Chair; John Neff; Peter De Vries; Steve Nuttall

Committee Members Absent: Steve Mullett, John Cochran, Neva Corkrum

Other Council Members Present: Terry Poe

Visitors Present: None

Staff Present: Tim Nogler, Al Rhoades, Krista Braaksma

CALL TO ORDER

Vice Chair, Dave Baker, called the Legislative Committee meeting to order at 1:00 p.m. Everyone was welcomed.

REVIEW AND APPROVE AGENDA and MINUTES

The agenda was reviewed and approved as written.

The minutes of the January 27, 2005, Legislative Committee meeting were reviewed and approved as written.

LEGISLATIVE UPDATE

Tim noted that the bills listed on the agenda today all refer directly to the Council.

HB 1401 / SB 5374

Tim stated that this bill would require that the Council adopt rules requiring sprinklers in all buildings containing a nightclub, bar or similar business. The bill also has requirements tied to the issuance of liquor licenses. Both the House and Senate bills have had hearings, and John Neff and Tim attended both but did not testify. The bill is being opposed by the restaurant industry. Most testimony on this bill acknowledged it was an important issue but that the language needed work.

John stated that he received a draft of a reworked bill on February 10 that was, if possible, worse than the original. That draft didn't go anywhere. Today, he received a second draft as he was heading out of the office. This draft significantly reduces the bill, from 6 pages to 1-1/2 pages, and targets "nightclubs" as defined in the new language. The new draft has the Liquor Control Board overseeing the requirements, with the Council drafting rules.

Tim noted that staff has prepared a fiscal note on the original bill, which stated that there was no fiscal impact on the Council as the rules would be adopted as part of the regular code adoption duties of the Council.

John recommended that the Committee continue to monitor this bill to see where the substitute bill goes. He stated that both legislative committee chairs indicated they wanted to move the bill, with the original bill if necessary.

Steve Nuttall felt the Council shouldn't take a position until a substitute was introduced.

Motion #1:

Peter DeVries moved that the Legislative Committee oppose SB 5374/HB 1401. The motion died for lack of a second.

HB 1670 / SB 5909

Tim noted this bill got some discussion prior to session. The Senate version is scheduled for a public hearing on Wednesday, February 23. The Council has a significant role, writing a standard for partitioning smoking from nonsmoking areas. Staff does expect to get a fiscal note request on this bill, and it will have a fiscal impact. It will take more of a development process than the sprinkler bill.

Peter recommended the Committee continue to monitor the bills.

John noted that local building officials have an enforcement role in the bill.

Dave Bake voiced some concern over liability.

HB 1904 / SB 5841

Tim noted that the Senate version of this bill was up for public hearing on Wednesday with the smoking bill. This bill would require the Council to develop standards for heating and ventilation systems to reduce allergens and common asthma triggers.

John voiced concern that the bill focuses on low income housing, where air is typically not recirculated. How can a standard impact a multi-family building with wall heaters? He felt this would be difficult if not impossible to implement.

Peter did not think it would be possible to write a standard that would cover all causes and triggers; individuals react differently to different particulates.

John asked if the Committee felt it should present testimony on their concerns. The Committee directed John to draft a statement of concern and circulate it for comment. He and Tim will attend the hearing on Wednesday.

SSB 5029

Tim stated that this substitute bill directs the Council to look at plumbing code with respect to federal standards for lead contamination. The majority of this bill is concerned with the State Board of Health establishing standards and testing for contaminants in water in schools. Tim has talked with Dale Wentworth, the chair of the Plumbing Code TAG, and Dale felt that this would not be a problem; the code is consistent with Federal standards. The bill would also require the Council to evaluate whether code enforcement is effective. There is some indication the legislature is looking for justification for testing in newer schools. This bill passed out of the Senate Water, Energy and Environment Committee and is currently in Senate Ways and Means. The Superintendent of Public Instruction has put a price tag on this bill of \$75 to \$100 million for testing.

SB 5687

This bill changes the allowable number of residents in an adult family home from 6 to 8. Tim noted that if this bill passed, the Council would need to revise the state amendment to the IRC to reflect the change.

John noted that an R-4 occupancy starts at 5 and goes up to 16 residents. This bill would remove a number of facilities from the R-4 occupancy and move them to R-3, which has few life safety requirements. This bill would impact the fire and life safety of those residents.

Steve Nuttall commented that, in his role as a fire official, six was already too many residents in an emergency situation, 8 would compound the problem. It takes less than 5 minutes for a house to become fully involved in a fire situation, and the fire service can't respond that quickly, and it is much faster than caregivers could evacuate residents.

John felt the Council needed to advise the legislature that this was a bad idea from a life/safety standpoint.

Motion #2:

Steve Nuttall moved that the Legislative Committee oppose SB 5687. John Neff seconded the motion.

Dave stated that there was a challenge in providing affordable care in the community and wondered if there was something the Committee could recommend to increase fire safety in these facilities.

John answered that the problem in changing these occupancies from LC or R-4 to R-3 is that there are no additional requirements for single family dwellings.

The question was called for. The motion carried with no opposition.

Tim noted that this bill has already received a hearing, but may come up again in the House.

HB 1680 / SB 5687

This bill does not directly speak to the Council, but the intent section references building codes. This bill allows local governments to amend the building code to create physical environments conducive to increasing public safety. Tim was approached by the proponent of this bill to ensure it would not create problems. Tim stated he felt this would be allowed already, and the Uniform Security Code published by ICBO has been adopted by some local jurisdictions with this intent.

Other Legislation

Tim noted that HD 1848 is the most recent version of the construction defects/Condo Act bill. This bill does have a lot of support. It delegates a third party special inspector program to inspect and certify "building enclosures" for moisture issues. This could potentially impact the Council in the future. It is conceivable that the Council will be called upon to develop a standard.

There being no further business, the meeting was adjourned at 2:00 p.m.